

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re application of BTA BANK
for an Order to Take Discovery Pursuant to
28 U.S.C. §1782

Misc. No. _____

**EX PARTE APPLICATION FOR ORDER TO TAKE
DISCOVERY PURSUANT TO 28 U.S.C. §1782**

Pursuant to 28 U.S.C. §1782, BTA Bank (“BTA”) hereby applies *ex parte* to this Court for an order permitting BTA to take discovery for use in proceedings in Kazakhstan (the “Application”).

BTA seeks an order granting the undersigned leave to serve the subpoena attached hereto as Exhibit A directing The Bank of New York Mellon Corporation to produce the documents specified therein (the “Proposed Subpoena”).

For the reasons set forth in the concurrently-filed Memorandum of Law, this Application meets each of § 1782’s statutory requirements, as well as the discretionary factors the Court may consider. This Application is supported by (1) the concurrently-filed Memorandum of Law and (2) the concurrently-filed Declarations of Ilyas Bulatovich Ayukhanov and Andrew L. Chesley, including the exhibits attached thereto.

WHEREFORE, BTA respectfully requests entry of an order granting the Application and authorizing BTA to serve the Proposed Subpoena.

Dated: April 26, 2019
New York, New York

Respectfully submitted,

/s/ Matthew L. Schwartz

Matthew L. Schwartz

Andrew L. Chesley

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